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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NIKITA TURIK, *et al.*, individually and on behalf of others similarly situated, Plaintiffs, v. EXPEDIA, INC., *et al.*, Defendants.	Case No. 3:12-cv-04365-JSW **NOTICE OF MOTION AND ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED PURSUANT TO LOCAL RULE 3-12(b); MEMORANDUM IN SUPPORT** CLASS ACTION
This document also relates to: CRAIG KELLY, on behalf of himself and all others similarly situated, Plaintiff, v. EXPEDIA, INC., *et al.*, Defendants.	Case No. 4:12-cv-06009-DMR Related Cases: 3:12-cv-04365-JSW 3:12-cv-04582-JSW 3:12-cv-04673-JSW 3:12-cv-04754-JSW 3:12-cv-04805-JSW 3:12-cv-04883-JSW 3:12-cv-04975-MEJ 4:12-cv-05220-DMR 3:12-cv-05234-EDL 3:12-cv-05353-LB 3:12-cv-05444-EDL 3:12-cv-05573-MEJ 4:12-cv-05803-DMR 3:12-cv-05816-JSW

NOTICE OF MOTION AND MOTION

Pursuant to Local Rule 3-12(b), Craig Kelly, Plaintiff in the action entitled *Kelly v. Expedia, Inc., et al.*, Case No. 4:12-cv-06009-DMR, filed in this District on November 27, 2012, respectfully submits this administrative motion for the Court to consider whether *Kelly* should be related to *Turik, et al. v. Expedia, Inc., et al.*, Case No. 3:12-cv-04365-JSW, the first filed case in this District.

MEMORANDUM IN SUPPORT

Plaintiff Kelly is aware of the following cases already ordered related to *Turik*:

- *Ulaby v. Expedia, Inc., et al.*, No. 3:12-cv-04582-JSW, filed August 30, 2012;
- *Olcott v. Kimpton Hotel & Restaurant Group, LLC, et al.*, No. 3:12-cv-04673-JSW, filed September 6, 2012;
- *Wittenberg v. Expedia, Inc., et al.*, No. 3:12-cv-04754-JSW, filed September 11, 2012;
- *Piening, et al. v. Expedia, Inc., et al.*, No. 3:12-cv-04805-JSW, filed September 13, 2012;
- *Romanelli v. Expedia, Inc., et al.*, No. 3:12-cv-04883-JSW, filed September 18, 2012; and
- *Martinez v. Kimpton & Hotel Restaurant Group, LLC, et al.*, No. 3:12-cv-05816-JSW, filed November 13, 2012.

Plaintiff Kelly is also aware of the following cases which already are the subjects of administrative motions to relate presently pending before the Court:

- *Greenberg v. Expedia, Inc., et al.*, No. 3:12-cv-04975-MEJ, filed September 24, 2012;
- *Maness v. Expedia, Inc., et al.*, No. 4:12-cv-05220-DMR, filed October 9, 2012;
- *Shames v. Expedia, Inc., et al.*, No. 3:12-cv-05444-EDL, filed October 22, 2012; and
- *Williamson v. Orbitz Worldwide, Inc., et al.*, No. 3:12-cv-05709-MEJ, filed November 6, 2012.

In addition, Plaintiff Kelly is aware of the following actions pending in this District which concern substantially the same parties, property, transaction and/or event, and for which it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges:

- *Wagner v. Expedia, Inc., et al.*, No. 3:12-cv-05234-EDL, filed October 9, 2012;
- *Stevenson v. Expedia, Inc., et al.*, No. 3:12-cv-05353-LB, filed October 17, 2012;
- *Winkelstein v. Expedia, Inc., et al.*, No. 3:12-cv-05573-MEJ, filed October 30, 2012; and
- *Margolick v. Expedia, Inc., et al.*, No. 4:12-cv-05803-DMR, filed November 9, 2012.

Pursuant to Local Rule 3-12(d), Plaintiff Kelly states that *Kelly*, *Turik* and the other aforementioned actions allege conspiracy to fix, raise and/or maintain the prices of online retail sales of hotel room reservations sold in the United States. Plaintiffs in these cases assert claims for violations of the Sherman Act, 15 U.S.C. § 1 and related claims against the same defendants, and seek substantially the same relief.

Plaintiff Kelly therefore respectfully submits this administrative motion to consider whether *Kelly* shall be deemed related to *Turik*, which is presently assigned to the Honorable Jeffrey S. White.

Dated: November 27, 2012

Respectfully submitted,

By: /s/ *Christopher T. Micheletti*

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